

### **REMARKS**

The Office Action mailed March 25, 2009 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

#### **Record of Interview**

On July 1, 2009, an interview was conducted by telephone between Examiner Brian P. Whipple and the undersigned. The Applicant thanks the Examiner for granting this interview. The details of the interview are set forth in the Interview Summary document made of record.

#### **Claim Status and Amendments to the Claims**

Claims 1-62 are currently pending.

No claims stand allowed.

Claims 1, 3, 9-12, 18-21, 27, 29, 31, 33, 35, 41-44, 51-54, and 60-62 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes is found in the specification, figures, and claims as originally filed. The Amendment also contains minor changes of a clerical nature. No "new matter" has been added by the Amendment.

#### **The 35 U.S.C. § 102 Rejection**

Claims 1-2, 5, 8-11, 14, 17-20, 23, 26-34, 37, 39-43, 46, 49-53, 56, and 59-62 stand rejected under 35 U.S.C. § 102(c) as allegedly being anticipated by Rigaldies et al.<sup>1,2</sup> This rejection is respectfully traversed.

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<sup>1</sup> U.S. Patent No. 6,792,085 to Rigaldies et al.

<sup>2</sup> Office Action mailed March 25, 2009, at ¶ 8.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (c) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>3</sup>

### Claim 1

Claim 1 as presently amended recites:

A computer implemented method comprising:  
 receiving, at a mail server, information from a first client computing device regarding every change made to an application database located on the first client computing device;  
 storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first client computing device and a second client computing device; and  
 forwarding the information from the mail folder to the second client computing device upon receipt of a synchronization request from the second client computing device, the second client computing device maintaining a copy of the application database.

The Examiner states,

..Rigaldies discloses a method, comprising:  
 receiving, at a mail server, information from a first user computing device regarding every change made to an application database located on the first user computing device (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message);  
 storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first user computing device and a second user computing device (Abstract; Fig. 14; Col. 10, ln. 1-8; Col. 15, ln. 59 - Col. 16, ln. 6; the workstation mailbox is replicated/synchronized to the voice-mail server, the voice-mail server inherently includes a mailbox representing the user to accomplish said replication/synchronization); and  
 forwarding the information from the mail folder to the second user computing device upon receipt of a synchronization request from the second device (Fig. 2; Col. 12, ln. 14-43).<sup>4</sup>

<sup>3</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>4</sup> Office Action at pp. 4-5.

In support of the Examiner's statement, the Examiner refers to portions of Rigaldies et al. that disclose a form of direct connection synchronization discussed in the Background section of the present application, where an agent 110 on a workstation 101 updates a voicemail server 200, and further the voicemail server 200 updates the agent 110 on the workstation. This aspect of Rigaldies et al. is summarized as follows:

The synchronization perform by the unified messaging system of the invention may be characterized as "two-way synchronization" because it is really a bilateral process performed between the *two* respective data stores of the voice-mail system and the e-mail system. Either end has to tell the other end what the other has done, hence *two way*.<sup>5</sup>

Embodiments of the invention as presently claimed feature a mail server that is a *third* device which is separate from both a first client computing device and a second client computing device, where the mail server (1) receives information from the first client computing device regarding every change made to the application database on the first client computing device, (2) stores the information in a mail folder corresponding to a user associated with the first client computing device and a second client computing device on the mail server, and (3) forwards the information from the mail folder to the second client computing device upon receipt of a synchronization request from the second client computing device. The Applicant respectfully submits equating an email server or a voicemail server with a client computing device would be improper.

With this Amendment, Claim 1 has been amended to make this distinction more clear. Specifically, Claim 1 has been amended to refer to a first client computing device in lieu of a first user computing device, and to refer to a second client computing device in lieu of a second user computing device. Support for this Amendment is found in the Specification, Figures, and claims as originally filed. For example, support is found in the Specification at paragraph 25, last

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<sup>5</sup> Rigaldies et al. at col. 5 11, 7-12. (emphasis added)

sentence, and paragraph 27.

Additionally, the Examiner's rejection equates the voice-mail server 200 of Rigaldies et al. with the mail server of Claim 1. The Examiner also equates the e-mail server 300 in Rigaldies et al. with the first user device of Claim 1. The Examiner also equates the workstation 101 in Rigaldies et al. with the second user device of Claim 1. In support of the Examiner's contention that Rigaldies et al. discloses "receiving, at a mail server, information from a first device regarding every change made to an application database located on the first device," the Examiner refers to portions of Rigaldies et al. that speak generally about the voice-mail server 200 receiving information from workstation 101. Whereas the Examiner's mapping would require the voice-mail server 200 receiving information from e-mail server 300 regarding every change made to an application database located on the e-mail server 300.

As the limitations of Claim 1 are not disclosed or suggested by the cited art of record, the Applicant respectfully requests the 35 U.S.C. § 102 rejection of Claim 1 be withdrawn.

Independent Claims 9, 18, 27, 29, 31, and 60-62

Claims 9, 18, 27, 29, 31, and 60-62 include limitations similar to those discussed above with respect to Claim 1. Claim 1 being allowable, Claims 9, 18, 27, 29, 31, and 60-62 must also be allowable.

Dependent Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, and 32

Claims 2, 5, and 8 depend from Claim 1, Claims 10-11, 14, and 17 depend from Claim 9. Claims 19-20, 23, and 26 depend from Claim 18. Claim 28 depends from Claim 27. Claim 30 depends from Claim 29. Claim 32 depends from Claim 31. Claims 1, 9, 18, 27, 29, and 31 being allowable, Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32 must also be allowable.

### The First 35 U.S.C. § 103 Rejection

Claims 3, 12, 21, 35, 44, and 54 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Rigaldies et al. or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Christie et al.,<sup>6</sup> among which no claims are independent claims.<sup>7</sup> This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.<sup>8</sup>

The 35 U.S.C. § 102 rejection of independent Claims 1, 9, 18, 27, 29, 31, and 60-62 as presently amended based on Rigaldies et al. is unsupported by the art, as each and every element as set forth in the claim is not found, either expressly or inherently described, in Rigaldies et al. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 3, 12, 21, 35, 44, and 54 based on Rigaldies et al. and further in view of Christie et al. is unsupported by the art because the combination of Rigaldies et al. and Christie et al. does not teach all claim limitations.

### The Second 35 U.S.C. § 103 Rejection

Claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of LaRue et al.<sup>9 10</sup> This

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<sup>6</sup> U.S. Patent No. 5,757,669 to Christie et al.

<sup>7</sup> Office Action at ¶ 21.

<sup>8</sup> M.P.E.P. § 2143.

<sup>9</sup> U.S. Patent No. 6,449,622 to LaRue et al.

rejection is respectfully traversed.

The 35 U.S.C. § 102 rejection of independent Claims 1, 9, and 18 as presently amended based on Rigaldies et al. is unsupported by the art, as each and every element as set forth in the claim is not found, either expressly or inherently described, in Rigaldies et al. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 4, 6, 13, 15, 22, and 24 based on Rigaldies et al. and further in view of LaRue et al. is unsupported by the art because the combination of Rigaldies et al. and LaRue et al. does not teach all claim limitations.

### The Third 35 U.S.C. § 103 Rejection

Claims 7, 16, 25, 48, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Malik.<sup>11 12</sup> This rejection is respectfully traversed.

The 35 U.S.C. § 102 rejection of independent Claims 1, 9, and 18 as presently amended based on Rigaldies et al. is unsupported by the art, as each and every element as set forth in the claim is not found, either expressly or inherently described, in Rigaldies et al. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 7, 16, and 25 based on Rigaldies et al. and further in view of Malik is unsupported by the art because the combination of Rigaldies et al. and Malik does not teach all claim limitations.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

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<sup>10</sup> Office Action at ¶ 24.

<sup>11</sup> U.S. Publication No. 2002/0065 892 to Malik.

<sup>12</sup> Office Action at ¶ 27.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,  
NIXON PEABODY LLP

Dated: July 9, 2009

/ John P. Schaub/  
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